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June 2, 2011

BY ECF

Hon. Jed S. Rakoff
United States District Judge
500 Pearl Street
New York, New York 10007

Re: *Johnston v. Apple Inc.*, 1:11-cv-03321-JSR

Dear Honorable Jed Rakoff:

We represent defendant, Apple Inc., in the above-captioned matter. Defendant is filing a Motion for Judgment Pursuant to Federal Rules of Civil Procedure 12(b)(6) and Rule 12(d) (the "Motion"), which must be filed on or before Thursday, June 2, 2011.

Pursuant to the parties' conference call (the "call") with Judge Rakoff's Chambers on June 1, 2011, Apple Inc. requests permission to file Exhibit A.1 to the Motion under seal. As affirmed in the call, Plaintiffs consent to the filing of Exhibit A.1 under seal.

Exhibit A.1 is Apple Inc.'s Services Agreement with independent contractor, Omniscient Investigation Corporation, for the provision of security services. Exhibit A.1 contains confidential business information that is unrelated to the claims in this case. The disclosure of this information would cause undue harm to the businesses involved. On that basis, defendant respectfully requests that the Court grant this application to seal Exhibit A.1 to be filed in support of their motion.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tha M Crispi'.

Thomas M. Crispi

cc:
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